

No.

6177

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United States  
Circuit Court of Appeals  
For the Ninth Circuit.

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In the Matter of

KEIZO KAMIYAMA,

On Habeas Corpus.

KEIZO KAMIYAMA,

Appellant,

vs.

WALTER E. CARR, Director of Immigration of the  
United States, for the Los Angeles District No. 31,

Appellee.

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Transcript of Record.

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Upon Appeal from the United States District Court for the Southern  
District of California, Central Division.

**FILED**

**JUL 12 1930**

**PAUL P. O'BRIEN,**  
**CLERK**



No.

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## INDEX.

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original record are printed literally in italic; and, likewise, cancelled matter appearing in the original record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italics the two words between which the omission seems to occur.]

	PAGE
Assignments of Error.....	20
Bail Bond on Appeal.....	31
Citation .....	2
Clerk's Certificate .....	36
Complaint and Petition for Writ of Habeas Corpus, and Points and Authorities.....	3
Conclusion of the Court in Habeas Corpus Proceeding..	19
Cost Bond on Appeal.....	28
Minutes of the Court—September 16, 1929—Traverse to Return on Writ of Habeas Corpus.....	18
Minutes of the Court—March 3, 1930—Order Dis- charging Writ of Habeas Corpus and Remanding Keizo Kamiyama .....	19
Names and Addresses of Attorneys.....	1
Notice of Appeal.....	24
Order Allowing Appeal and Fixing Custody of Keizo Kamiyama .....	23
Order for Transmission of Original Exhibits.....	27
Order Granting Writ of Habeas Corpus.....	8
Petition for Appeal.....	22
Praecipe for Transcript of Record on Appeal.....	34
Return to Writ of Habeas Corpus.....	11
Stipulation Regarding Original Records and Files of Department of Labor.....	25
Writ of Habeas Corpus.....	10



### **Names and Addresses of Attorneys.**

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THEODORE E. BOWEN, Esqs.,  
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P. V. DAVIS, Esq.,  
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Federal Building, Los Angeles, California.

IN THE DISTRICT COURT OF THE UNITED  
STATES IN AND FOR THE SOUTHERN  
DISTRICT OF CALIFORNIA,  
CENTRAL DIVISION.

In the Matter of	)	
	)	
KEIZO KAMIYAMA,	)	No. 9775-M.
	)	CITATION.
On Habeas Corpus.	)	
<hr/>	)	

TO WALTER E. CARR, District Director, United States  
Immigration Service, District No. 31: GREETING:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be held at the City of San Francisco, in the State of California, on the 28th day of June, A. D., 1930, pursuant to an Order Allowing Appeal, filed in the Clerk's Office of the District Court of the United States, in and for the Southern District of California, in that certain proceedings, known as In the Matter of KEIZO KAMIYAMA, On Habeas Corpus, No. 9775-M, and you are ordered to show cause, if any there be, why the judgment in the said cause mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable Paul J. McCormick, United States District Judge for the Southern District of California, this 28th day of May, A. D. 1930, and of the Independence of the United States, the one hundred and fifty-fourth.

Paul J. McCormick

United States District Judge for the Southern District of  
California.



[Endorsed]: No 9775-M. In the United States District Court In and for the Southern District of California Central Division In the Matter of Keizo Kamiyama, On Habeas Corpus. Citation. Received copy of the within Citation this 27 day of May 1930 P. V. Davis Attorney for Respondent Filed May 28 1930 R. S. Zimmerman, Clerk By W. E. Gridley Deputy Clerk J. Edward Keating and Theodore E. Bowen Attorneys at Law 1212 Chapman Building Los Angeles, Cal. Trinity 7033 Attorneys for Petitioner & Appellant

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IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION.

In the Matter of	)	
	)	No.
KEIZO KAMIYAMA,	)	COMPLAINT AND
	)	PETITION FOR WRIT
On Habeas Corpus.	)	OF HABEAS CORPUS
<hr style="width: 40%; margin-left: 0;"/>	)	

The complaint and petition of KEIZO KAMIYAMA respectfully shows:

I.

That your petitioner is an alien, a native of Japan, and is an inhabitant and resident of the County of Los Angeles, State of California; that your petitioner last entered the United States on or about February 13, 1920, and ever since that time has been continuously a resident of and an inhabitant of the United States, and has never since that time been outside of the United States.

## II.

That your petitioner is now actually imprisoned and restrained of his liberty and detained by color of authority of the United States, in the custody of Walter E. Carr, District Director, District No. 31, Immigration Service, Department of Labor of the United States of America, to-wit, in the City of Los Angeles, State of California; that said imprisonment, restraint and detention is unlawful and illegal, and the illegality thereof consists of the facts herein alleged.

## III.

That the sole claim or authority by virtue of which the said Walter E. Carr, District Director of the Immigration Service as aforesaid so restrains this petitioner is a certain warrant issued by the Secretary of Labor of the United States, ordering and directing the deportation of your petitioner to Japan, solely on the following alleged grounds and reasons and findings:

(a) That he was not at the time of his entry in possession of an unexpired Immigration visa;

(b) That he is an alien ineligible to citizenship, not exempted by Paragraph C, Section 13, of the Immigration Act of 1924 from the operation of that act.

## IV.

That there is no evidence to sustain any of the grounds or reasons or findings upon which the said warrant of deportation was based, and that the uncontradicted evidence affirmatively establishes that your petitioner has been a resident of the United States continuously for more than five years prior to the institution of said deportation proceedings.

## V.

That said grounds and said reasons and said findings are not sufficient, nor are any of them sufficient, nor do any or all of them state facts sufficient to authorize the deportation of your petitioner, in that your petitioner has been continuously domiciled in the United States for more than five years prior to the institution of said deportation proceedings; that your petitioner last entered the United States on or about said 13th day of February 1920, and that said deportation proceedings were not instituted until November 17, 1928.

## VI.

That the Secretary of Labor of the United States, and those acting in aid and assistance of him, acted unfairly, arbitrarily and exceeded their authority and abused their discretion, and deprived your petitioner of due process of law, in that the entire proceedings against your petitioner, including the warrant for the arrest of your petitioner and the hearing thereon and the proceedings against your petitioner denied him a fair hearing and deprived him of his liberty without due process of law, and all of the said deportation proceedings against your petitioner were unfair, and deprived him of due process of law in each and every of the following particulars, to-wit:

(a) That the said Secretary of Labor and the Immigration inspectors trying your petitioner's case in aid and assistance of said Secretary of Labor, and said respondent considered evidence outside the record, the testimony of witnesses outside the record, without confronting your petitioner with the witnesses and their testimony, and without advising the petitioner or his counsel of the same, and without giving your petitioner or his counsel an opportunity to rebut it.

(b) That your petitioner was taken into custody without a warrant of arrest or other authority, and placed in confinement and forced to make a statement against his will, upon which said warrant of deportation is based.

VII.

That petitioner has not in his possession a copy of the Immigration records and evidence of proceedings applicable to the deportation of your petitioner, and cannot procure a copy thereof to file with this petition; but your petitioner prays that respondent be ordered to file with this court a certified copy of said proceedings and the whole thereof, and your petitioner stipulates and agrees when said records and evidence are received and presented for consideration, that said records and evidence be of the same force and effect as if filed herewith as part and parcel of this petition.

VIII.

That no previous application for a writ of habeas corpus has been made in this matter.

IX.

That your petitioner has not given said respondent notice that this petition is to be presented to this court, but this matter cannot be heard on notice for the reason that petitioner is now in custody and respondent is threatening to deport your petitioner before an application pursuant to such a notice could be made and acted upon by this court.

WHEREFORE, your petitioner prays that a writ of habeas corpus issue out of and under the seal of this court, directing the said Walter E. Carr, District Director of Immigration Service as aforesaid, to have the

body of said petitioner before this honorable court at a time and place to be in said writ specified, together with the true cause of his detention, to the end that due inquiry may be had in the premises, and your petitioner prays that this court may proceed in a summary way to determine the facts in the case and the legality of petitioner's imprisonment, restraint and detention, thereupon to dispose of petitioner as law and justice require.

J. Edward Keating

J. Edward Keating

Theodore E. Bowen

Theodore E. Bowen.

Attorneys for Petitioner.

STATE OF CALIFORNIA,            )  
  ) SS.  
COUNTY OF LOS ANGELES.    )

KEIZO KAMIYAMA, being first duly sworn on oath, deposes and says:

That he is the petitioner in the above entitled action; that he has read the foregoing petition and knows the contents thereof; and that the same is true of his own knowledge, except as to the matters which are therein stated on his information or belief, and as to those matters that he believes it to be true.

Keizo Kamiyama

Subscribed and sworn to before me this 1st day of Aug. 1929.

[Seal]

Frank E. Carleton

Notary Public in and for said County and State.

LET THE WRIT OF HABEAS CORPUS PRAYED FOR issue returnable before the court at 10 o'clock A. M., on the 16 day of Sept., 1929.

Pending hearing and the order thereon, it is ordered that petitioner be released on furnishing bail in the sum of \$500.00.

DATED: Aug. 1st, 1929.

Wm P James  
JUDGE.

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IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION.

In the Matter of	)	
	)	
KEIZO KAMIYAMA,	)	No.
	)	POINTS AND
On Habeas Corpus.	)	AUTHORITIES
<hr/>	)	

Petitioner presents in support of his petition the following points and authorities:

Ungar vs. Seaman (C. C. A. 8th 1924) 4 Fed. (2d) 80;

In re Chan Foo Lin (C. C. A. 6th 1917) 243 Fed. 137;

Ex parte Cheung Tung (D. C. W. D. Wash. 1923) 292 Fed. 997;

Ex parte Tozier (D. C. Maine 1924) 2 Fed. (2d) 268;

Whitfield vs. Hanges (C. C. A. 8th 1915) 222 Fed. 745;

- Kwock Jan Fat vs. White (1920), 253 U. S. 455;  
64 L. Ed. 1010;  
Svarney vs. U. S. (C. C. A. 8th 1925) 7 Fed. (2d)  
515;  
In re Can Pan (C. C. A. 9th 1909) 168 Fed. 479;  
Ex parte Radovieff (D. C. Mont. 1922) 278 Fed.  
227;  
McDonald vs. Sin Tak Sam (C. C. A. 8th 1915)  
225 Fed. 710;  
Ex parte Jackson (D. C. Mont. 1920) 263 Fed.  
110;  
Ex parte Plastino (D. C. Wash. 1916) 236 Fed.  
295;  
U. S. ex rel. Mittler vs. Curran, (C. C. A. 2nd  
1925) 8 Fed. (2d) 355.

J. Edward Keating

J. Edward Keating

Theodore E. Bowen

Theodore E. Bowen

Attorneys for Petitioner

[Endorsed]: No. 9775 M. In the United States District Court in and for the Southern District of California, Central Division. In the Matter of Keizo Kamiyama, on Habeas Corpus. Complaint and petition for writ of habeas corpus, and points and authorities. Received copy of the within this 1 day of Aug. 1929. Walter E. Carr, by Harry B. Blee. Filed Aug. 1, 1929 at.....min past.....o'clock .....M R. S. Zimmerman, Clerk, by Louis J. Somers, Deputy. J. Edward Keating and Theodore E. Bowen, Attorneys at law, 1212 Chapman Building, Los Angeles, Cal. Trinity 7033, attorneys for petitioner.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION.

In the Matter of	)	
	)	
KEIZO KAMIYAMA,	)	No.....
	)	WRIT OF HABEAS
On Habeas Corpus.	)	CORPUS.
<hr/>	)	

The President of the United States to WALTER E. CARR, Director of Immigration of the United States, for the Los Angeles District No. 31, GREETING:

You are hereby commanded to have the body of KEIZO KAMIYAMA, by you imprisoned, by whatever name he shall be called, the petitioner for a Writ of Habeas Corpus in the above entitled case, before the above entitled court and the Honorable PAUL J. McCORMICK, Judge of said Court, at the court room of said Court in the City of Los Angeles, California, on the 16 day of August, 1929, at 10 *M.*, to do and receive what shall then and there be commanded in the premises, and have you then and there this Writ.

WITNESS The Honorable PAUL J. McCORMICK, Judge of the said United States District Court, for the Southern District of California, Central Division.

DATED: Aug 1st, 1929:

R. S. ZIMMERMAN, Clerk

[Seal]

By Louis J. Somers

[Endorsed]: No 9775 M. In the United States District Court, in and for the Southern District of California, Central Division. In the matter of Keizo Kamiyama, on



habeas corpus. Writ of habeas corpus. Received copy of the within this 1st day of Aug. 1929. Walter E. Carr, by Harry B. Blee. Filed Sep. 16, 1929. R. S. Zimmerman, Clerk, by Louis J. Somers, Deputy Clerk. J. Edward Keating and Theodore E. Bowen, attorneys at law 1212 Chapman Building, Los Angeles, Cal. Trinity 7033, attorneys for petitioner

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA CENTRAL DIVISION.

In the Matter of )  
 )  
KEIZO KAMIYAMA ) No. 9775-M  
 ) RETURN TO WRIT OF  
For a Writ of ) HABEAS CORPUS  
Habeas Corpus )

I, Walter E. Carr, District Director of the United States Immigration Service, Immigration District No. 31, at Los Angeles, California, for my Return to the Writ of Habeas Corpus issued in the above case, admit, deny, and allege as follows:

I.

That KEIZO KAMIYAMA, Petitioner herein, is a citizen of Japan, and of the Japanese race, that he entered the United States near the port of Calexico, California, subsequent to the first day of July, 1924, and that such entry was without inspection under the Immigration laws of the United States; that Petitioner was found by Immigration Officers near Venice, California, on or about the

16th day of November, 1928, without documentary evidence in his possession, showing his right to be and remain in the United States, that Petitioner was thereafter taken to San Pedro, California, where he was accorded an examination on the 17th day of November, 1928, relative to his presence in the United States; that at the conclusion of said hearing, and on the 17th day of November, 1928, a telegraphic application for a warrant for Petitioner's arrest was made to the Secretary of Labor, and that the said Secretary of Labor thereafter caused his warrant of arrest to be issued directing that said Petitioner be taken into custody and examined as to his right to be and remain in United States. Respondent alleges that Petitioner was taken into custody as authorized by the warrant aforesaid, and that he was subsequently released under bond pending the decision of his case by the Secretary of Labor. Respondent further alleges that on the 25th day of January, 1929, and subsequently thereto, hearing was accorded Petitioner under the warrant aforesaid at which hearing Petitioner was represented by Attorney Mr. J. Edward Keating of Los Angeles, California. At said hearing the evidence upon which the warrant of arrest had been issued was presented to the Petitioner and his Counsel, and the hearing was conducted in accordance with the rules and regulations prescribed by the Secretary of Labor. At conclusion thereof, the record was transmitted to the Secretary of Labor at Washington, D. C., and associate Counsel Mr. Charles E. Booth of Washington, represented Petitioner and filed a brief in Petitioner's behalf with the Board of Review of the United States Department of Labor. Respondent further alleges that on the 21st day of June, 1929, the Secretary of Labor

caused his warrant to be issued directing deportation of the Petitioner to Japan, it having been found that Petitioner, who entered the United States near the port of Calexico, California, subsequent to the 1st day of July, 1924, was subject to deportation under Section 19 of the Immigration Act of February 5, 1917, being deportable under the provisions of a law of the United States, to wit:

“The Immigration Act approved May 26, 1924, in that he was not, at the time of his entry, in possession of an unexpired Immigration Visa; and that he is an alien ineligible to citizenship, and not exempted by Paragraph (c), Section 13 thereof, from the operation of the said Act.”

Thereafter Respondent called upon the Surety Company which had executed bond in behalf of the Petitioner to produce him for deportation to Japan, in accordance with the terms of the bond. The Petitioner was delivered in accordance with the terms of the bond and Respondent was preparing to deport Petitioner to Japan when this Habeas Corpus proceeding was instituted.

## II.

Respondent denies that part of Paragraph numbered I of the Petition, wherein it is alleged that Petitioner last entered the United States on or about the 13th day of February, 1920, and alleges that entry of said Petitioner into the United States occurred subsequent to the 1st day of July, 1924. Respondent admits that part of the allegation appearing in Paragraph numbered I of the Petition, wherein it is alleged that Petitioner is an alien, a native of Japan, and a resident of the county of Los Angeles, State of California. Respondent denies that part

of Paragraph numbered I of the Petition, wherein it is alleged that Petitioner has been a resident of, and an inhabitant of the United States continuously since the 13th day of February, 1920, and alleges that Respondent last entered the United States subsequent to the 1st day of July, 1924.

## III.

Respondent denies that part of Paragraph numbered II of the Petition, wherein it is alleged that Petitioner is now actually in prison and restrained of his liberty by Respondent herein, and in answer thereto, Respondent alleges that Petitioner is now at liberty under bond fixed by and furnished to this Honorable Court. Respondent admits, however, that he holds his warrant issued by the Secretary of Labor directing deportation of Petitioner to Japan.

## IV.

While denying that he is actually restraining the Petitioner from his liberty, as set forth in Paragraph numbered III of the Petition, Respondent admits that he holds a warrant of deportation directing return of Petitioner to Japan, for the reasons stated in Paragraph numbered III of the Petition.

## V.

Respondent denies the allegations appearing in Paragraph numbered IV of the Petition, wherein it is charged that there is no evidence to sustain any of the grounds or reasons or findings upon which said warrant of deportation was based. Respondent further denies that the uncontradicting evidence affirmatively establishes that Petitioner has been a resident of the United States continuously for more than five years prior to the institution of said deportation proceedings. In answer thereto, Re-

spondent alleges that there is ample evidence to sustain the grounds upon which the order of deportation was based. Respondent further alleges in answer thereto, that the evidence in the record does not affirmatively establish that Petitioner has been a resident of the United States continuously for more than five years, prior to institution of deportation proceedings. Respondent denies the truth of the allegation appearing in Paragraph numbered V of the Petition, wherein it is alleged that said grounds and said reasons and said findings are not sufficient to authorize the deportation of Petitioner for the reason that Petitioner has been continuously domiciled in the United States for more than five years, prior to the institution of said deportation proceedings. In answer thereto, Respondent alleges that the grounds and reasons and findings of aforesaid, are each and every one sufficient, and each and every one does state facts sufficient to authorize deportation of Petitioner. Respondent further alleges that Petitioner has not been continuously domiciled within the United States for more than five years prior to the institution of deportation proceedings. Respondent further denies that Petitioner last entered the United States on or about the 3rd day of February, 1920.

## VII.

Respondent denies the allegation appearing in Paragraph numbered VI of the Petition, wherein it is set forth that the Secretary of Labor of the United States, and those acting in aid and assistance of him, acted unfairly, arbitrarily, and exceeded their authority, and abused their discretion, and deprived Petitioner of due process of law, in that the entire proceedings against Petitioner, including the warrant of arrest, and the hearing thereon, were

unfair and deprived him of his liberty without due process of law. In answer thereto, Respondent alleges that the Secretary of Labor, and those acting in aid and assistance of him, acted fairly and did not abuse or exceed their authority or discretion, nor did they deprive Petitioner of his liberty without due process of law.

Respondent denies the allegation set forth in Paragraph numbered VI (a) of the Petition, wherein it is alleged that the Secretary of Labor, said Respondent, and the Immigrant Inspectors handling case of Petitioner, considered evidence and testimony outside the record without confronting Petitioner with the witnesses and their testimony, and without advising Petitioner and his Counsel of the same and without giving Petitioner and his Counsel an opportunity to rebut it. In answer thereto, Respondent refers to the original Department of Labor's record file herewith and alleges that the aforesaid record clearly indicates that Petitioner and his Counsel were advised of all evidence introduced, and had an opportunity to cross-examine such witnesses as they desired to cross-examine, and to furnish any evidence in their possession, to rebut that introduced by the Inspectors conducting the case against Petitioner.

In answer to the allegation contained in Paragraph numbered VI (b) of the Petition, Respondent denies the allegation that Petitioner was "forced to make a statement against his will", and in answer thereto refers to Petitioner's statement of the 17th day of November, 1928, appearing in the aforementioned record, from which it will be noticed that Petitioner was requested to make a voluntary statement, and was advised that said statement might be used against him in subsequent proceedings.

VIII.

Petitioner is not now in Respondent's custody, but is at liberty under bond authorized by this Honorable Court. It is impossible therefore, for Respondent to produce the body of Petitioner before this Honorable Court.

WHEREFORE, Respondent prays dismissal of this Writ of Habeas Corpus and further prays that the alien, KEIZO KAMIYAMA, in whose behalf said Writ was issued be remanded to Respondent's custody for deportation, in accordance with law.

Walter E Carr

Walter E. Carr

District Director

Respondent

STATE OF CALIFORNIA             )  
  ) SS  
COUNTY OF LOS ANGELES    )

WALTER E. CARR, District Director of the United States Immigration Service, District No. 31, being first duly sworn, deposes and says that he is the person who makes the foregoing return: that he has read same and knows the contents thereof, and that same is true, except as to matters therein alleged on information and belief, and as to those matters that he believes it to be true.

Walter E Carr  
(Walter E. Carr)

Subscribed and sworn to before me this 16th day of September, 1929.

R S Zimmerman  
Clerk of United States District Court

[Seal]  
By.....  
Deputy

[Endorsed]: No. 9775-M In the District Court of the United States for the Southern District of California In the Matter of Keizo Kamiyama On Habeas Corpus Return to Writ of Habeas Corpus Rec'd Copy J. Edward Keating 9/16/29. Filed Sep 16, 1929 R. S. Zimmerman, Clerk. By Louis J. Somers, Deputy Clerk

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At a stated term, to wit: The September Term, A. D. 1929, of the District Court of the United States of America, within and for the Central Division of the Southern District of California, held at the Court Room thereof, in the City of Los Angeles, on Monday, the 16th day of September, in the year of our Lord one thousand nine hundred and twenty-nine.

Present:

The Honorable F. C. JACOBS, District Judge.

In the Matter of the )	)	
Petition of Keizo Kami- )	)	
yama for a Writ of )	)	No. 9775-M. Crim.
Habeas Corpus. )	)	

This matter coming on for hearing on return of Writ of Habeas Corpus; J. Edward Keating, Esq., appearing for petitioner, Gwyn Redwine. Assistant United States Attorney, appearing as counsel for the Government, and Keizo Kamiyama petitioner in cause No. 9775-M Criminal being present, in said action; Gwyn Redwine, Esq. files Return and Record of Immigration Department, and it is stipulated that Writ be considered as traverse to return, and it is ordered that this matter be submitted on briefs 20x20x10.



At a stated term, to-wit: The February Term, A. D. 1930 of the District Court of the United States of America, within and for the Central Division of the Southern District of California, held at the Court Room thereof, in the city of Fresno, on Monday the 3rd day of March in the year of our Lord one thousand nine hundred and thirty.

Present:

The Honorable Paul J. McCormick, District Judge.

United States of America,	)	
Plaintiff,	)	
	)	
vs.	)	No. 9775-M. Crim.
	)	
Keizo Kamiyama,	)	
Defendant	)	

The Writ of Habeas Corpus heretofore issued herein, is discharged, and the alien Keizo Kamiyama is remanded into custody of the Immigration Officers for deportation to Japan under Warrant of Secretary of Labor, and pursuant to law. Written Conclusion of Court is filed herein.



IN THE DISTRICT COURT OF THE UNITED STATES SOUTHERN DISTRICT OF CALIFORNIA CENTRAL DIVISION.

In the matter of	)	
	)	
KEIZO KAMIYAMA,	)	
	)	Conclusion of the Court in
for a writ of Habeas	)	Habeas Corpus proceeding.
	)	
Corpus.	)	

Upon examination of the record in this matter it can not be said that the hearings before the Immigration

authorities were unfair, and it appears that the findings and warrant of the Secretary of Labor are supported by competent evidence. In this situation the Court should not interfere, and accordingly the writ of Habeas Corpus heretofore issued herein is dismissed and discharged, and the alien is remanded into the custody of the immigration officers for deportation to Japan under the warrant of the Secretary of Labor and pursuant to law. *Ex parte Kishimoto*, 32 Fed. 2d, 991; *Plane vs. Carr*, 19 Fed. 2d, 470; *Chan Wong vs. Nagel*, 17 Fed. 2d, 987.

Dated Mar. 3, 1930.

Paul J. McCormick,  
United States District Judge

[Endorsed]: No. 9775-M Cr. Re Petition of Keizo Kamiyama for a Writ of Habeas Corpus. Conclusions of Court. Filed Mar. 3, 1930, R. S. Zimmerman, Clerk, By Louis J. Somers, Deputy Clerk.

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IN THE DISTRICT COURT OF THE UNITED  
STATES IN AND FOR THE SOUTHERN  
DISTRICT OF CALIFORNIA,  
CENTRAL DIVISION.

In the Matter of	)	No. 9775-M. ASSIGNMENTS OF ERROR.
KEIZO KAMIYAMA,	)	
On Habeas Corpus.	)	
_____	)	

Comes now KEIZO KAMIYAMA, petitioner and detained, and assigns error in the decision of the said District Court for the Southern District of California, Central Division, as follows:

I.

The court erred in remanding Keizo Kamiyama to the custody of the United States Immigration Service for deportation.

II.

The court erred in holding and deciding that the writ of habeas corpus should be dismissed and discharged.

III.

The court erred in holding and deciding that there was some evidence to sustain the findings on which the warrant of the Secretary of Labor of the United States for the deportation of Keizo Kamiyama was based.

IV.

The court erred in holding and deciding that Keizo Kamiyama was given a fair hearing before the United States Immigration Service.

V.

The court erred in holding and deciding that the deportation of Keizo Kamiyama was not barred by the provisions of Section 19 of the Immigration Act of February 5, 1917.

DATED: May 26, 1930.

J. Edw. Keating

J. Edward Keating

and

Theodore E. Bowen

Theodore E. Bowen

Attorneys for Petitioner.

[Endorsed]: No. 9775-M. In the United States District Court, in and for the Southern District of California, Central Division. In the Matter of Keizo Kami-

yama, on habeas corpus. Assignments of error. Received copy of the within assignments of error this 27 day of May, 1930. P. V. Davis, attorney for respondent. Filed May 28, 1930. R. S. Zimmerman, Clerk, by W. E. Gridley, Deputy Clerk. J. Edward Keating and Theodore E. Bowen attorneys at law, 1212 Chapman Building Los Angeles, Cal. Trinity 7033. Attorneys for petitioner.

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IN THE DISTRICT COURT OF THE UNITED  
STATES IN AND FOR THE SOUTHERN  
DISTRICT OF CALIFORNIA,  
CENTRAL DIVISION.

In the Matter of	)	
	)	
KEIZO KAMIYAMA,	)	No. 9775-M.
	)	PETITION FOR
On Habeas Corpus.	)	APPEAL.
<hr style="width: 35%; margin-left: 0;"/>	)	

KEIZO KAMIYAMA, petitioner above named, deeming himself aggrieved by the order and judgment entered herein on the 3rd day of March, 1930, does hereby appeal from said order and judgment to the United States Circuit Court of Appeals, for the Ninth Circuit, and prays that a transcript and record of proceedings and papers on which said order and judgment was made, duly authenticated, may be sent to the United States Circuit Court of Appeals, for the Ninth Judicial District of the United States.

DATED: May 26, 1930.

J Edw Keating  
J. Edward Keating  
and  
Theodore E. Bowen  
Theodore E. Bowen  
Attorneys for Petitioner.

[Endorsed]: No 9775-M. In the United States District Court In and for the Southern District of California Central Division In the matter of Keizo Kamiyama, On Habeas Corpus. Petition for Appeal. Received copy of the within Petition this 27 day of May 1930 P. V. Davis Attorney for Respondent Filed May 28 1930 R. S. Zimmerman, Clerk By W. E. Gridley Deputy Clerk J. Edward Keating and Theodore E. Bowen Attorneys at Law 1212 Chapman Building Los Angeles, Cal. Trinity 7033 Attorneys for Petitioner and Appellant.

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IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION.

In the Matter of	)	
	)	No. 9775-M.
KEIZO KAMIYAMA,	)	ORDER ALLOWING
	)	APPEAL AND FIXING
On Habeas Corpus.	)	CUSTODY OF KEIZO
<hr style="width: 35%; margin-left: 0;"/>	)	KAMIYAMA.

Now, to-wit, on the 28th day of May, 1930, it is ordered that the appeal be allowed as prayed for; and it is further ordered that Keizo Kamiyama, pending said appeal, shall be released upon the giving of a good and sufficient bond in the sum of \$500.00.

It is further ordered that the amount of cost bond on said appeal be, and hereby is, fixed in the sum of Two Hundred Fifty (\$250.00) Dollars, to be conditioned as required by law and the rules of this court.

Done in open court this 28th day of May, 1930.

Paul J. McCormick

JUDGE.

[Endorsed]: No 9775-M. In the United States District Court In and for the Southern District of California Central Division In the Matter of Keizo Kamiyama, On Habeas Corpus. Order Allowing Appeal and Fixing Custody of Keizo Kamiyama. Received copy of the within order this 27 day of May 1930 P. V. Davis Attorney for Respondent Filed May 28 1930 R. S. Zimmerman, Clerk By W. E. Gridley Deputy Clerk J. Edward Keating and Theodore E. Bowen Attorneys at Law 1212 Chapman Building Los Angeles, Cal. Trinity 7033 Attorneys for Petitioner & Appellant.

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IN THE DISTRICT COURT OF THE UNITED  
STATES IN AND FOR THE SOUTHERN  
DISTRICT OF CALIFORNIA,  
CENTRAL DIVISION.

In the Matter of	)	
	)	
KEIZO KAMIYAMA,	)	No. 9775-M.
	)	NOTICE OF APPEAL.
On Habeas Corpus.	)	
<hr style="width: 40%; margin-left: 0;"/>	)	

TO WALTER E. CARR, Respondent, and to S. W. McNABB, United States Attorney, Attorney for Respondent:

You, and each of you, will please take notice that the petitioner above named, Keizo Kamiyama, in the above entitled cause, hereby appeals to the United States Circuit Court of Appeals, for the Ninth Circuit, from the judgment and order remanding said Keizo Kamiyama to the custody of said Walter E. Carr, entered in the above entitled cause on the 3rd day of March, 1930, and that

the certified transcript of record will be filed in the said Appellate Court within thirty days after the filing of this notice.

DATED: May 26, 1930.

I. Edw Keating  
J. Edward Keating  
and  
Theodore E. Bowen  
Theodore E. Bowen.

Attorneys for Petitioner and Appellant.

[Endorsed]: No 9775-M. In the United States District Court In and for the Southern District of California Central Division In the Matter of Keizo Kamiyama, On Habeas Corpus. Notice of Appeal. Received copy of the within Notice this 27 day of May 1930 P. V. Davis Attorney for Respondent. Filed May 28 1930 R. S. Zimmerman, Clerk By W. E. Gridley Deputy Clerk J. Edward Keating and Theodore E. Bowen Attorneys at Law 1212 Chapman Building Los Angeles, Cal. Trinity 7033 Attorneys for Petitioner & Appellant.



IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION.

In the Matter of ) No. 9775-M.  
) STIPULATION  
KEIZO KAMIYAMA, ) REGARDING ORIGINAL  
) RECORDS AND FILES  
On Habeas Corpus. ) OF DEPARTMENT  
\_\_\_\_\_ ) OF LABOR.

IT IS HEREBY STIPULATED AND AGREED by and between J. Edward Keating and Theodore E. Bowen, Attorneys for Keizo Kamiyama, appellant, and S. W. Mc-

Nabb, Attorney for Walter E. Carr, District Director of the Immigration Service, Appellee, that the original files and records of the Department of Labor covering the deportation proceedings against the petitioner, which were filed in the hearing in the above entitled cause, may be by the Clerk of this court sent up to the Clerk of the Circuit Court of Appeals for the Ninth Circuit, as part of the Appellate record, in order that the said original immigration files may be considered by the Circuit Court of Appeals for the Ninth Circuit in lieu of a certified copy of said records and files and that said original records may be transmitted as part of the Appellate record.

DATED: May 26, 1930.

J. Edw Keating  
 J. Edward Keating  
 and

Theodore E. Bowen  
 Theodore E. Bowen

Attorneys for Petitioner and Appellant.

S. W. McNABB,  
 U. S. Attorney,

By P. V. Davis  
 Assistant U. S. Attorney  
 Attorney for Respondent.

[Endorsed]: No 9775-M. In the United States District Court In and for the Southern District of California Central Division In the Matter of Keizo Kamiyama, On Habeas Corpus. Stipulation regarding Original Records and Files of Department of Labor. Filed May 28 1930 R. S. Zimmerman, Clerk By W. E. Gridley Deputy Clerk J. Edward Keating and Theodore E. Bowen Attorneys at Law 1212 Chapman Building Los Angeles, Cal. Trinity 7033 Attorneys for Petitioner & Appellant.



IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION.

In the Matter of )
KEIZO KAMIYAMA, ) No. 9775-M.
) ORDER FOR
) TRANSMISSION OF
On Habeas Corpus. ) ORIGINAL EXHIBITS.

ON STIPULATION OF COUNSEL, it is by the court ordered that the original records in the United States Immigration office filed herein on the hearing of the return of the respondent, Walter E. Carr, District Director of the United States Immigration Service, to the writ of habeas corpus, be transmitted by the Clerk of this Court to the United States Circuit Court of Appeals for the Ninth Circuit, as original exhibits in lieu of a certified copy of said records and files and that the same need not be printed.

DATED: May 28th, 1930.

Paul J. McCormick
United States District Judge

[Endorsed]: No. 9775-M. In the United States District Court, in and for the Southern District of California, Central Division. In the matter of Keizo Kamiyama, on habeas corpus. Order for transmission of original exhibits. Received copy of the within order this 27 day of May, 1930. P. V. Davis, attorney for respondent. Filed May 28, 1930. R. S. Zimmerman, Clerk, by W. E. Gridley, Deputy Clerk. J. Edward Keating and Theodore E. Bowen, attorneys at law, 1212 Chapman Building, Los Angeles, Cal. Trinity 7033. Attorneys for petitioner & appellant.

IN THE DISTRICT COURT OF THE UNITED  
STATES IN AND FOR THE SOUTHERN  
DISTRICT OF CALIFORNIA,  
CENTRAL DIVISION.

In the Matter of	)	
	)	
KEIZO KAMIYAMA,	)	No. 9775-M.
	)	COST BOND ON
On Habeas Corpus.	)	APPEAL.
<hr/>	)	

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Pacific Indemnity Company, is held and firmly bound unto Walter E. Carr, District Director of District No. 31, Immigration Service, and the United States of America, in the full and just sum of Two Hundred Fifty Dollars (\$250.00), to be paid to the said Walter E. Carr, District Director aforesaid, and the United States of America, or their certain attorney, executors, administrators or assigns; to which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators jointly and severally by these presents.

Sealed with our seals and dated this 29 day of May, 1930.

Whereas, lately the District Court of the United States, for the Southern District of California, Central Division, in a habeas corpus proceeding in said Court between petitioner, Keizo Kamiyama and the respondent, Walter E. Carr, District Director of Immigration as aforesaid, wherein an order, judgment and decree was rendered against the said Keizo Kamiyama, discharging the Writ of Habeas Corpus and remanding the said alien, Keizo

Kamiyama, to the custody of respondent, Walter E. Carr; and the said Keizo Kamiyama having obtained from said Court an appeal to reverse the order, judgment and decree in the aforesaid Habeas Corpus proceeding, and a Citation directed to the said Walter E. Carr, District Director as aforesaid, citing and admonishing him to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit, to be holden at San Francisco, State of California, on the 28 day of June, 1930.

NOW, the condition of the above obligation is such that if the said Keizo Kamiyama shall prosecute *her* appeal to effect and answer all costs if *she* fails to make *her* plea good, then the above obligation to be void; otherwise, to remain in full force and virtue.

PACIFIC INDEMNITY COMPANY

By F. L. Hemming

[Seal]

Attorney-in-Fact.

I hereby approve the foregoing bond.

Dated the 29th day of May 1930

Paul J. McCormick

Judge or Clerk

STATE OF CALIFORNIA,  
County of Los Angeles

SS.

On this 29th day of May in the year one thousand nine hundred and 30, before me, CHAS. MALLEY a Notary

Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared F. L. Hemming known to me to be the duly authorized Attorney-in-Fact of PACIFIC INDEMNITY COMPANY, and the same person whose name is subscribed to the within instrument as the Attorney-in-Fact of said Company, and the said F. L. Hemming acknowledged to me that he subscribed the name of PACIFIC INDEMNITY COMPANY, thereto as principal, and his own name as Attorney-in-Fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

[Seal]

Chas. Malley .

Notary Public in and for.....County,  
State of California

My Commission Expires Oct. 31, 1932.

[Endorsed]: No 9775-M. In the United States District Court In and for the Southern District of California Central Division In the Matter of Keizo Kamiyama, On Habeas Corpus. Cost Bond on Appeal. Filed May 29 1930 R. S. Zimmerman, Clerk By W. E. Gridley Deputy Clerk J. Edward Keating and Theodore E. Bowen Attorneys at Law 1212 Chapman Building Los Angeles, Cal. Trinity 7033 Attorneys for Petitioner & Appellant.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION.

In the Matter of	)	
	)	
KEIZO KAMIYAMA,	)	No. 9775-M.
	)	BAIL BOND ON
On Habeas Corpus.	)	APPEAL.
_____	)	

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Pacific Indemnity Company, is held and firmly bound unto Walter E. Carr, District Director of District No. 31, Immigration Service, and the United States of America, in the full and just sum of Five hundred Dollars (\$500.00), to be paid to the said Walter E. Carr, District Director aforesaid, and the United States of America, or their certain attorney, executors, administrators or assigns; to which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators jointly and severally by these presents.

Sealed with our seals and dated this 29 day of May, 1930.

WHEREAS, lately the District Court of the United States, for the Southern District of California, Central Division, in a habeas corpus proceeding in said Court between petitioner, Keizo Kamiyama, and the respondent, Walter E. Carr, District Director of Immigration as aforesaid, wherein an order, judgment and decree was rendered against the said Keizo Kamiyama, discharging the Writ of Habeas Corpus and remanding the said alien, Keizo Kamiyama, to the custody of respondent, Walter E.

Carr; and the said Keizo Kamiyama having obtained from said Court an appeal to reverse the order, judgment and decree in the aforesaid habeas corpus proceeding, and a Citation directed to the said Walter E. Carr, District Director as aforesaid, citing and admonishing him to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit, to be holden at San Francisco, State of California on the 28 day of June, 1930,

NOW, the condition of the above obligation is such that if the said order, judgment and decree be affirmed, said Keizo Kamiyama will surrender *herself* to Walter E. Carr, District Director aforesaid, then this recognizance to be void; otherwise to remain in full force and virtue.

PACIFIC INDEMNITY COMPANY

By F. V. Weede

[Seal]

Attorney-in-Fact.

I hereby approve the foregoing bond.

Dated the 29th day of May, 1930.

Paul J. McCormick

Judge or Clerk

STATE OF CALIFORNIA

ss.

County of Los Angeles

On this 29th day of May in the year one thousand nine-hundred and 30, before me, CHAS. MALLEY a Notary Public in and for said County and State residing therein, duly commissioned and sworn, personally appeared F. V. WEEDE, known to me to be the duly authorized Attorney-in-fact of PACIFIC INDEMNITY COMPANY, and the same person whose name is subscribed to the within instru-

ment as the Attorney-in-fact of said Company, and the said F. V. Weede acknowledged to me that he subscribed the name of PACIFIC INDEMNITY COMPANY, thereto as principal, and his own name as Attorney-in-fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

[Seal]

Chas. Malley

Notary Public in and for Los Angeles County, State of California.

My Commission Expires Oct. 31, 1932.

[Endorsed]: No. 9775-M. In the United States District Court, in and for the Southern District of California, Central Division. In the matter of Keizo Kamiyama, on habeas corpus. Bail bond on appeal. Filed May 29, 1930. R. S. Zimmerman, Clerk, by W. E. Gridley, Deputy Clerk. J. Edward Keating and Theodore E. Bowen, attorneys at law 1212 Chapman Building, Los Angeles, Cal. Trinity 7033 Attorneys for petitioner & appellant.

IN THE DISTRICT COURT OF THE UNITED  
STATES IN AND FOR THE SOUTHERN  
DISTRICT OF CALIFORNIA,  
CENTRAL DIVISION.

In the Matter of	)	
	)	No. 9775-M.
KEIZO KAMIYAMA,	)	PRAECIPE FOR
	)	TRANSCRIPT OF
On Habeas Corpus.	)	RECORD ON APPEAL.
<hr/>	)	

TO THE CLERK OF THE ABOVE ENTITLED  
COURT:

You will please prepare and duly authenticate the transcript and following portions of the record in the above entitled case for appeal of the said appellant heretofore filed with the United States Circuit Court of Appeals, for the Ninth Circuit:

1. Complaint and petition for Writ of Habeas Corpus.
2. Order granting Writ of Habeas Corpus, and regarding custody of Keizo Kamiyama pending hearing thereon.
3. Writ of Habeas Corpus.
4. Return to Writ of Habeas Corpus.
5. Traverse to Return on Writ of Habeas Corpus.
6. Order Discharging Writ of Habeas Corpus and Remanding Keizo Kamiyama.
7. Petition for Appeal.
8. Order Allowing Appeal and Fixing Custody of Keizo Kamiyama.
9. Notice of Appeal.
10. Assignments of Error.



11. Stipulation that Original Files and Records in the Department of Labor be sent to the Clerk of the Circuit Court as part of the Appellate Record.

12. Order for Transmission of Original Exhibits

13. Cost Bond on Appeal, and Bail Bond on Appeal.

14. Citation.

15. This Praeceptum.

DATED: May 26, 1930.

J Edw Keating

J. Edward Keating

and

Theodore E. Bowen

Theodore E. Bowen

Attorneys for Petitioner and Appellant.

[Endorsed]: No 9775-M. In the United States District Court In and for the Southern District of California Central Division In the Matter of Keizo Kamiyama, On Habeas Corpus. Praeceptum for Transcript of Record on Appeal. Received copy of the within Praeceptum this 27 day of May 1930 P. V. Davis Attorney for Respondent. Filed May 28 1930 R. S. Zimmerman, Clerk By W. E. Gridley Deputy Clerk J. Edward Keating and Theodore E. Bowen Attorneys at Law 1212 Chapman Building Los Angeles, Cal. Trinity 7033 Attorneys for Petitioner & Appellant.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION.

In the Matter of	)	
	)	
KEIZO KAMIYAMA,	)	No. 9775-M.
	)	CLERK'S
On Habeas Corpus.	)	CERTIFICATE.
<hr/>	)	

I, R. S. Zimmerman, clerk of the United States District Court for the Southern District of California, do hereby certify the foregoing volume containing 35 pages, numbered from 1 to 35 inclusive, to be the Transcript of Record on Appeal in the above entitled cause, as printed by the appellant, and presented to me for comparison and certification, and that the same has been compared and corrected by me and contains a full, true and correct copy of the citation, complaint and petition for writ of habeas corpus, writ of habeas corpus, return to writ of habeas corpus, traverse to return on writ of habeas corpus, order discharging writ of habeas corpus and remanding Keizo Kamiyama, assignments of error, petition for appeal, order allowing appeal and fixing custody, notice of appeal, stipulation regarding records and files of department of labor, order for transmission of original exhibits, cost bond on appeal, bail bond on appeal and praecipe.

I DO FURTHER CERTIFY that the amount paid for printing the foregoing record on appeal is \$.....and that said amount has been paid the printer by the appellant herein and a receipted bill is herewith enclosed, also that the fees of the clerk for comparing, correcting and certify-

ing the foregoing record on appeal amount to.....and that said amount has been paid me by the appellant herein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the District Court of the United States of America, in and for the Southern District of California, Central Division, this..... day of June, in the year of Our Lord One Thousand Nine Hundred and Thirty, and of our Independence the One Hundred and Fifty-fourth.

R. S. ZIMMERMAN,

Clerk of the District Court of the United States of America, in and for the Southern District of California.

By

Deputy.

